

COUNCIL POLICY**CURRENT**

SUBJECT: CITY LIABILITY FOR EMPLOYEE PARTICIPATION IN
OFF-DUTY EVENTS
POLICY NO.: 300-09
EFFECTIVE DATE: June 15, 1977

BACKGROUND:

In the past the City has often accepted unquestioningly or unwittingly the liability for injuries and damages arising from athletic and social events involving employees in their off-duty time or while in a quasi-official capacity. However, with the dramatic increase in risks assumed due to liberalized court verdicts and legislative action, extensive City expenditures can be anticipated from these events. Prudent management dictates that each such event be scrutinized by Risk Management to determine if, after considering all risks, it is in the best interests of the taxpayers to underwrite such activities.

Certain off-duty athletic and social events involving City personnel may accrue benefits to the City in the form of public relations, positive social rapport, or physical conditioning.

Conversely, such activities may likewise constitute a risk exposure to the City that may outweigh those benefits to the taxpayers, risks such as:

- a. Public liability;
- b. Workers' compensation liability;
- c. Industrial disability retirement liability;
- d. Personnel services losses.

PURPOSE:

To establish a policy and procedure which provide for a Risk Management overview prior to proposed off-duty athletic and social events, and reduce City liability exposures that may arise from such events.

POLICY:

It is the policy of the City that no off-duty athletic, service organization, civic group or social event involving the participation of City personnel shall be "sponsored" by the City, nor shall the City be liable for any workers' compensation, industrial disability retirement or public liability losses that may arise out of such events, unless participation is specifically authorized by the City Manager after analysis and advice from Risk Management. No City employee-participant shall imply or infer that any event has City support or "sponsorship" unless specifically authorized in writing in advance to do so by the City Manager.

It is the policy of the City that the City Manager should authorize participation only upon a finding that the benefits to the City from such an event would greatly outweigh the potential liability to the City that could result from such an event.

PROCEDURE:

1. Department heads will inform the City Manager in writing of the existence of ongoing activities or proposals for future activities which would fall within the scope of this policy.
2. The City Manager will direct Risk Management to analyze such events for risk exposure and Risk Management will advise the City Manager of the advantages and disadvantages of authorizing the event.
3. The City Manager will advise the department head of his decision in writing.
4. The department head will advise the event's participants of that decision, informing them individually and in writing, if possible, that the City will or will not meet any liabilities arising out of the event, as appropriate.

HISTORY:

Adopted by Resolution R-218610 06/15/1977